

**In the United States Court of Federal Claims**

No. 13-834C

(E-Filed August 28, 2017)

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DONALD MARTIN, JR., et al, )  
)  
Plaintiffs, )  
)  
v. )  
)  
THE UNITED STATES, )  
)  
Defendant. )  
)

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**ORDER**

The court has before it plaintiffs' motion for partial summary judgment, filed May 26, 2017. See ECF No. 165. This motion has been fully briefed. As defendant notes in its response to the motion, the legal issue raised in plaintiffs' motion applies not to the plaintiffs in this suit, but to those in a companion case, Case No. 16-1297C. See ECF No. 170. Indeed, plaintiffs have recognized, in multiple filings, that the motion filed in this case was filed in error. See ECF No. 171; see also Case No. 16-1297, ECF No. 17. Plaintiffs concur with defendant's request that the court strike the motion filed in error in this case. See ECF No. 171. Accordingly, the clerk's office shall **STRIKE** plaintiffs' motion for partial summary judgment, ECF No. 165, from the docket in this case.

IT IS SO ORDERED.

s/ Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH  
Chief Judge